



UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. JOE WARREN SIERRA, SR., Defendant.	5:22-CR-50105-JLV ORDER OF DETENTION
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This matter came before the court for an initial appearance, arraignment and detention hearing on an Indictment in the above case on Friday, July 01, 2022. The defendant appeared in person and by his counsel, the Assistant Federal Public Defender. The United States appeared by the Assistant United States Attorney.

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

-  (1) There is a serious risk that the defendant will not appear.
-  (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II - Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes that the defendant is charged in the Indictment with Possession of a Firearm by a Prohibited Person, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). Because the defendant has been indicted by the grand jury, there is probable cause to believe that he committed the offenses with which he is charged. However, the defendant is also presumed innocent.

Based on the record herein, I find by a preponderance of the evidence that there is no condition or combination of conditions of release that will assure the safety of the community and the presence of the defendant at further proceedings in this matter.

In reaching these decisions, I have considered:

- (1) the nature and circumstances of the offense charged;
- (2) the weight of the evidence against the defendant;
- (3) the defendant's history and personal characteristics, including the defendant's character, physical and mental condition, history of alcohol and illegal substance abuse, family ties, employment, financial resources, length of residence in this community, community ties, past conduct, criminal history, as well as court appearance record;
- (4) the nature and seriousness of the danger posed to other persons in the community if defendant were to be released; and
- (5) the defendant consented to detention.

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 1st day of July, 2022.

BY THE COURT:



DANETA WOLLMANN

United States Magistrate Judge